

JUNK AND GARBAGE ORDINANCE

35-B

SECTION 1. LEGISLATIVE FINDINGS

Whereas on privately owned parcels of land within Spring Arbor Township accumulations of junk and/or garbage constitute a hazard to the public health, safety and welfare of the residents of Spring Arbor Township for the reasons that they provide a habitat conducive to breeding and nesting of rats, mice and other vermin and also that they contain objects with sharp edges and other hazards which could injure small children who would be attracted to play thereon without appreciating the danger thereof, and that the regulations contained in this Ordinance are the minimum regulations required to eliminate the foregoing undesirable condition and protect the public health, safety and welfare.

SECTION 2. DEFINITIONS

A. Junk- As used in this Ordinance, "junk" means any unused or unusable building materials, furniture, machinery, appliances, or parts thereof, including unlicensed, inoperable, dismantled, or partially dismantled motor vehicles which, because of mechanical condition or missing parts cannot be driven. Unlicensed vehicle shall mean a vehicle without a current license plate or currently licensed by the State of Michigan.

B. Rubbish -As used in this Ordinance, "rubbish" means waste paper, tin ware or aluminum ware, tin or aluminum cans, tin or aluminum cuttings, boxes, glass, straw, shavings, barrels, lumber, paper cartons, plastic containers, plastic products and food containers, brush, lawn cuttings and hedge trimmings.

C. Garbage - As used in this Ordinance, "garbage" means any accumulation of trash, refuse, or litter, specifically including but not limited to, containers once containing edible, drinkable or usable materials, as well as dead animals (or parts thereof) and discarded edible or drinkable items.

SECTION 3. UNLAWFUL ACTS

A. Storing of Junk- No owner, occupant or possessor of land within Spring Arbor Township shall keep or permit to be kept at any two (2) times not less than four (4) days apart within any calendar month on such parcel any accumulation of junk thereon which has a total cumulative weight exceeding forty (40) pounds or a total cumulative dimension exceeding nine (9) cubic feet unless the same is within a completely enclosed building.

B. Storing of Rubbish and Garbage - No owner, occupant or possessor of land in Spring Arbor Township shall keep or permit to be kept at any two (2) times not less than four (4) days apart within any calendar month on such parcel any rubbish or garbage unless the same is kept within a closely covered can or other metal, plastic or rubber container designed for same and sufficient to prevent entry by rats, mice and other vermin.

C. Discarding of Junk, Rubbish, and Garbage- It shall be unlawful for any person to discard any junk, rubbish or garbage on any private or public property unless such property is licensed to receive such junk, rubbish or garbage. Unlawful discarding includes but is not limited to the tossing or leaving of junk, rubbish or garbage along the roadsides, on private property owned by another person, in the public roadway, in parking lots, or on public property not licensed to receive such junk, rubbish or garbage.

SECTION 4. EXCEPTIONS

This Ordinance does not apply to inventory on premises occupied by a merchant licensed under MC 205.53 and conducting a lawful business or to the property of patrons of a lawful motor vehicle repair facility, furniture or appliance repair facility, or gasoline service station while left on the premises of either for purposes of service or repair, nor does this Ordinance apply to junk yards which can be regulated under Public Act 12 of 1929.

SECTION 5. PRIMA FACIE PROOF

In any litigation arising under this Ordinance testimony that any furniture, machinery, appliance, or parts thereof have been observed in the same place on at least two (2) separate dates at least four (4) days apart within any calendar month shall constitute prima facie proof that such machinery, appliance or parts thereof are inoperable, unused, or unusable as defined in Section 2 above. Likewise, in any litigation arising under this Ordinance, testimony that any inoperable, unlicensed, dismantled or partially dismantled motor vehicle, or parts thereof have been observed in the same place for a period of thirty (30) consecutive days shall constitute prima facie proof that such motor vehicle or parts thereof are inoperable, unused, or unusable as defined in Section 2 above.

SECTION 6. PENALTY

Any person who violates any provision of this Ordinance shall upon conviction thereof, be punished by a fine not exceeding \$500.00 or by imprisonment in the County jail not exceeding ninety (90) days, or by both such fine and imprisonment.

SECTION 7. DECLARATION OF NUISANCE

Any violation of any provision of this Ordinance is hereby declared to be a nuisance.

SECTION 8. SEVERABILITY

This Ordinance is hereby declared to be severable and should any part, provision or paragraph hereof be declared invalid by a Court of competent jurisdiction, it shall not affect the remaining provisions hereof.

All ordinances, resolutions, or orders, or parts, thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect and be enforced from and after the earliest date allowed by law. This Ordinance shall be published in the manner provided by law.